



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	
MIGUEL A. GONZALEZ, RN	:	ADMINISTRATIVE ACTION
License No. 26NR11684200	:	
	:	
	:	FINAL ORDER OF
	:	DISCIPLINE
TO PRACTICE NURSING IN THE STATE	:	
OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Miguel A. Gonzalez ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about May 17, 2012, Respondent completed and submitted an online biennial renewal for the period of June 1, 2012 to May 31, 2014.

3. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2012," referring to the biennial renewal period of June 1, 2010 to May 31, 2012. Respondent answered "Yes" and certified that answer by submitting the online application.

4. On or about April 16, 2013, the Board received a flagging notice indicating that Respondent was arrested on April 15, 2013, by the Rutherford Police Department for violation of N.J.S.A. 2C:12:1(a)(1) (Simple Assault). (Exhibit C). On or about May 14, 2013, the Board received another flagging notice indicating that Respondent's simple assault charge was dismissed.

5. The Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Rutherford, New Jersey, via regular and certified mail on or about June 17, 2014. The regular mailing was not returned. The certified mailing was returned as it was not deliverable as addressed. (Exhibit E). The Board also faxed the letter of inquiry to Respondent on or about July 3, 2014.

6. On or about April 29, 2014, Respondent completed and submitted an online biennial renewal for the period of June 1, 2014 to May 31, 2016.

7. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 to May 31, 2014. Respondent answered "Yes" and certified that answer by submitting the online application.

8. Respondent provided a partial response to the Board's letter of inquiry, which included the April 15, 2013 warrant for his arrest and the May 6, 2013 order of dismissal, vacating the temporary restraining order filed by his wife against him. Respondent failed to provide the following information: police report with all supporting statements, municipal court complaint, accusation, indictment, plea agreement, court disposition, sentencing information, conditions of probation, proof of payment of assessment, proof of completion of probation or other sentence, information about Respondent's employer at the time of his arrest (employer, job title, dates of employment, shift, type of unit worked, most recent performance evaluation), a detailed narrative of Respondent's version of the

conduct or events which led to his arrest, and proof that he is up to date with his continuing education.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to fully respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial periods of June 1, 2010 to May 31, 2012, and June 1, 2012 to May 31, 2014. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in

turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying his continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on October 31, 2014, provisionally suspending respondent's nursing license, and imposing a reprimand and a total of \$750 in civil penalties. A copy of the Order was served upon respondent by certified and regular mail at his address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Mr. Gonzalez replied to the Provisional Order, and provided all of the documentation and information originally requested by

the Board. Included in respondent's submissions was documentation of timely completion of respondent's continuing education obligation for the 2010-2012 and 2012-2014 licensing cycles. Accordingly, the Board determined that suspension of respondent's nursing license was no longer applicable pursuant to the terms of the Provisional Order, and imposition of the reprimand for misrepresentation and the \$250 penalty for failure to timely complete continuing education were not warranted. However, the Board determined that the \$500 civil penalty for failure to cooperate with a Board investigation was still appropriate, in light respondent's inadequate response to the Board's June 17, 2014 letter of inquiry. The Board should not have to expend the time and resources involved in issuing a Provisional Order so as to obtain information and documentation from its licensees.

ACCORDINGLY, IT IS on this 18th day of December, 2014,

ORDERED that:

1. Respondent is hereby assessed a civil penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment

shall be made no later than 15 days after the entry of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy Ph.D. APN
Patricia Murphy, PhD, APN
President